

JUDGE PRESKA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

: INDICTMENT

-v.-

: **07 CRIM 890**

JAMES D. LYONS,

:

Defendant.

:

COUNT ONE

The Grand Jury charges:

1. From in or about April 2004, up to and including in or about March 2006, in the Southern District of New York and elsewhere, JAMES D. LYONS, the defendant, unlawfully, willfully, and knowingly, executed and attempted to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, LYONS withdrew funds to which he was not entitled from a bank account at Wachovia Bank.

(Title 18, United States Code, Section 1344.)

FORFEITURE ALLEGATION

2. As a result of committing the offense alleged in Count One of this Indictment, JAMES D. LYONS, the defendant,

shall forfeit to the United States pursuant to 18 U.S.C. § 982, any property constituting or derived from proceeds obtained directly or indirectly as a result of the bank fraud offense, including but not limited to the following:

a. At least \$166,190 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offense of bank fraud.

Substitute Asset Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of JAMES D. LYONS:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

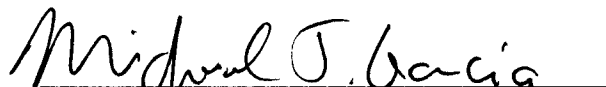
(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982 and 1344.)


Foreperson


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

JAMES D. LYONS,

Defendant.

INDICTMENT

07 Cr.

(18 U.S.C. §§ 1344 and 982)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Dennis Scaler-Pera
Foreperson.
(Dennis Scaler-Pera)
